

William D. Hyslop  
United States Attorney  
Eastern District of Washington  
Thomas J. Hanlon  
Assistant United States Attorney  
Richard C. Burson  
Assistant United States Attorney  
402 E. Yakima Ave., Suite 210  
Yakima, WA 98901  
Telephone: (509) 454-4425

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONOVAN CLOUD,

Defendant.

NO: 1:19-CR-02032-SMJ-2

GOVERNMENT'S RESPONSE TO  
MOTION TO EXTEND THE TIME  
TO REQUEST A *DAUBERT*  
HEARING

Plaintiff, United States of America, by and through William D. Hyslop, United States Attorney for the Eastern District of Washington, and Thomas J. Hanlon and Richard C. Burson, Assistant United States Attorneys for the Eastern District of Washington, hereby responds to Motion To Extend Time to Request a *Daubert* Hearing (ECF No. 97).

On June 11, 2019, an indictment was filed charging the Defendants with Count 1, Carjacking, and Count 2, Brandishing of a Firearm During a Crime of Violence. (ECF No. 17).

On July 17, 2019, a five count superseding indictment was filed. (ECF No. 59). The superseding indictment charges Count 1, Carjacking, Counts 2, 3, 6, Brandishing of a Firearm

1 During a Crime of Violence, Count 4, Kidnapping, and Count 5, Assault with a Dangerous  
2 Weapon. (ECF No. 59).

3 As relevant here, on July 26, 2019, the United States provided counsel with the following  
4 discovery pertaining to K-9 Zuza: (1) Training Summary; (2) Training Log; (3) Deployment  
5 Summary; and (4) Deployment Log. (Bate Stamp pages 1960-1974). The United States  
6 received a request for additional information pertaining to the K-9. On September 13, 2019, the  
7 United States disclosed 152 pages of discovery pertaining to the K-9. (Bate Stamp pages 4127-  
8 4279).

10 As relevant here, on August 26, 2019, the United States received a fingerprint report from  
11 the FBI laboratory. On August 28, 2019, the report was provided in discovery. (Bate Stamp  
12 pages 4115-4121). On September 17, 2019, the United States received additional discovery  
13 regarding the previously disclosed fingerprint report from the FBI laboratory. These materials  
14 will be provided to counsel within 48 hours.

16 The government has no objection to the Defendant's request for additional time to file a  
17 *Daubert* motion.

20 DATED this 17th day of September, 2019.

22 WILLIAM D. HYSLOP  
United States Attorney

23 s/Thomas J. Hanlon  
24 THOMAS J. HANLON  
Assistant United States Attorney

26 s/Richard C. Burson  
27 RICHARD C. BURSON  
Assistant United States Attorney

1  
2  
3 I hereby certify that on September 17, 2019, I electronically filed the foregoing with the  
4 Clerk of the Court using the CM/ECF System which will send notification of such filing to the  
5 following: Richard A. Smith  
6  
7

8 s/THOMAS J. HANLON  
9 Thomas J. Hanlon  
10 Assistant United States Attorney  
11 United States Attorney's Office  
12 402 E. Yakima Avenue, Suite 210  
13 Yakima, WA 98901  
14 Phone: (509) 454-4425  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28